

Message Text

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ACTION OES-09

INFO OCT-01 ARA-14 EA-12 ISO-00 DLOS-09 L-03 CIAE-00
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FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC 7345
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UNCLAS GEORGETOWN 2483

E.O. 11652: N/A
TAGS: EFIS, PLOS, NS, GY, KS
SUBJECT: KOREAN TRAWLER CAPTAINS LOSE ANOTHER COURT BATTLE

REF: 77 GEORGETOWN 3289 (NOTAL)

1. ACCORDING TO THE "GUYANA CHRONICLE" OF AUGUST 1, JUSTICE AUBREY BISHOP HAS DISMISSED THE PETITION TO THE HIGH COURT OF SIX SOUTH KOREAN TRAWLER CAPTAINS WHO WISH TO LEAVE GUYANA. THE CAPTAINS HAD PREVIOUSLY BEEN FOUND GUILTY OF ILLEGALLY ENTERING GUYANA'S FISHING ZONE IN 1977, AND ARE APPEALING THAT DECISION.

2. DEFENSE COUNSEL LLOYD LUCKHOO ARGUED THAT THE APPEAL OF THE LOWER COURT DECISIONS HAD THE EFFECT OF SUSPENDING THE SENTENCES AND THAT THEREFORE THE CAPTAINS HAD THE RIGHT TO LEAVE THE JURISDICTION OF THE COURT. HOWEVER, JUSTICE BISHOP RULED IN FAVOR OF THE ATTORNEY GENERAL, WHO ARGUED THAT AN APPELLANT IN A CRIMINAL CASE DOES NOT HAVE THE RIGHT TO LEAVE THE JURISDICTION OF THE COURT WITHOUT THE PERMISSION OF THE FULL COURT. THE DECISION IS APPEALABLE TO THE COURT OF APPEAL.

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